[redacted]pp. F. IX-4.

1920.

Previous references. (Legis)

194-17.

G.M. 1917-19 (1-3+8)

File No. 10 – 20

Serial Nos. 1 – 5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7 file

A Collection ~~Part B for~~ Manuscript for July 25.

SUBJECT

Regulation for the preservation of ancient Monuments in the States.

[redacted]naswamy Iyengar
7/11/26

G. R. S. III—1] 1920

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 10-20.

FILE HEADING.

Regulation for the preservation of ancient monuments in the Mysore State.

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Extract from G.O. No. G. 6045-105-G.M. 194-17-8 Dy 14.9.1920. (Para 2. last sentence)

" In the interests of all classes of monuments, therefore, the enactment of a special law on the lines of the Indian Act is desirable

NOTES—First Sheet.

THE ANCIENT MONUMENTS PRESERVATION ACT, 1904 (VII OF 1904).

CONTENTS.

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Protected monuments.

Ancient Monuments.

4. Acquisition of rights in or guardianship of an ancient monument.
5. Preservation of ancient monument by agreement.
6. Owners under disability or not in possession.
7. Enforcement of agreement.
8. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.
9. Application of endowment to repair of an ancient monument.
10. Compulsory purchase of ancient monument.
11. Maintenance of certain protected monuments.
12. Voluntary contributions.
13. Protection of place of worship from misuse, pollution or desecration.
14. Relinquishment of Government rights in a monument.
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Traffic in Antiquities.

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Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

18. Power to Local Government to control moving of sculptures, carvings or like objects.
19. Purchase of sculptures, carvings or like objects by the Government.

Excavations.

20. Power to Local Government to control excavation.

General.

[*Price four annas and six pies.*]

General.

SECTIONS.

21. Assessment of market-value or compensation.
22. Jurisdiction.
23. Power to make rules.
24. Protection to public servants acting under Act.

ACT No. VII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 18th March, 1904.*)

An Act to provide for the preservation of Ancient Monuments and of objects of archæological, historical or artistic interest.

WHEREAS it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; It is hereby enacted as follows:—

1. (*1*) This Act may be called the Ancient Monuments Preservation Act, 1904. Short title and extent.

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof, and includes—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the

(*c*) the means of access to and convenient inspection of an ancient monument:

(*2*) "antiquities" include any moveable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion:

(*3*) "Commissioner" includes any officer authorized by the ~~Local~~ Government to perform the duties of a Commissioner under this ~~Act~~:

(*4*) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto:

(*5*) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not: and

(*6*) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee:

Provided that nothing in this ~~Act~~ shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (*1*) The ~~Local~~ Government may, by notification in the ~~local~~ official Gazette, declare an ancient monument to be a protected monument within the meaning of this ~~Act~~.

(*2*) A copy of every notification published under sub-section (*1*) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the ~~Local~~ Government within

one

one month from the date when it is so fixed up will be taken into consideration.

(*3*) On the expiry of the said period of one month, the ~~Local~~ Government, after considering the objections, if any, shall confirm or withdraw the notification.

(*4*) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this ~~Act~~.

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (*1*) The ~~Collector~~, with the sanction of the ~~Local~~ Government, may purchase or take a lease of any protected monument.

(*2*) The ~~Collector~~, with the like sanction, may accept a gift or bequest of any protected monument.

(*3*) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the ~~Local~~ Government, accept such guardianship.

(*4*) When the Commissioner has accepted the guardianship of a monument under sub-section (*3*), the owner shall, except as expressly provided in this ~~Act~~, have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(*5*) When the Commissioner has accepted the guardianship of a monument under sub-section (*3*), the provisions of this ~~Act~~ relating to agreements executed under section 5 shall apply to the written instrument executed under the said sub-section.

(*6*) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

5. (*1*) The

Preservation of ancient monument by agreement.

5. (*1*) The ~~Collector~~ may, with the previous sanction of the ~~Local~~ Government, propose to the owner to enter into an agreement with the ~~Secretary of State for India in Council~~ for the preservation of any protected monument in his district.

(*2*) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the ~~Collector~~ to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market-value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietary or other rights which are to vest in ~~His Majesty~~ in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(*h*) the

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the ~~Collector~~ Deputy Commr. on behalf of the ~~Secretary of State for India in Council~~ Govt. of Bom., but shall not be so executed until it has been approved by the ~~Local~~ Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the ~~Local~~ Government and with the consent of the owner.

(5) With the previous sanction of the ~~Local~~ Government, the ~~Collector~~ Deputy Commr. may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the ~~Collector.~~ Deputy Commr.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

(1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

(2) In the case of village-property, the ~~headman~~ Patel or

or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(*3*) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

Enforcement of agreement.

7. (*1*) If the ~~Collector~~ apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the ~~Collector~~ may make an order prohibiting any such contravention of the agreement.

(*2*) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the ~~Collector~~ necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the ~~Collector~~, the ~~Collector~~ may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

(*3*) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person who purchases, at a sale for arrears of land-revenue or any other public demand, ~~or at a sale made under the Bengal Patni Taluks Regulation, 1819~~, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, VIII of 1819.

being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9. (*1*) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the ~~Collector~~ Court, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the ~~Collector~~ Court may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(*2*) On the hearing of an application under sub-section (*1*), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory purchase of ancient monument.

10. (*1*) If the ~~Local~~ Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the ~~Local~~ Government may proceed to acquire it under the provisions of the Land Acquisition ~~Act, 1894~~, as if the preservation of a protected monument were a "public purpose" within the meaning of that ~~Act~~.

(*2*) The powers of compulsory purchase conferred by sub-section (*1*) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(*3*) In

(*3*) In any case other than the cases referred to in sub-section (*2*) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the ~~Collector~~ may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments.

11. (*1*) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in section 4 or which the Government has acquired under section 10.

(*2*) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (*1*) A place of worship or shrine maintained by the Government under this ~~Act~~ shall not be used for any purpose inconsistent with its character.

(*2*) Where the ~~Collector~~ has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the ~~Collector~~ shall make

make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

Relinquishment of Government rights in a monument.

14. With the sanction of the ~~Local~~ Government, the Commissioner may—

(*a*) where rights have been acquired by Government in respect of any monument under this ~~Act~~ Regn. by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this ~~Act.~~ Regn.

Right of access to certain protected monuments.

15. (*1*) Subject to such rules as may after previous publication be made by the ~~Local~~ Government, the public shall have a right of access to any monument maintained by the Government under this ~~Act.~~ Regn.

(*2*) In making any rule under sub-section (*1*) the ~~Local~~ Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this ~~Act~~ Regn. or

in

in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (*1*), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

raffic in Antiquities.

Power to ~~Governor General in Council~~ to control traffic in antiquities.

17. (*1*) If the ~~Governor General in Council~~ apprehends that antiquities are being sold or removed to the detriment of ~~India~~ or of any neighbouring country, ~~he~~ may, by notification in the Gazette ~~of~~ India, prohibit or restrict the bringing or taking ~~by sea or by land of~~ any antiquities or class of antiquities described in the notification into or out of ~~British India~~ or any specified part of ~~British India~~.

(*2*) Any person who brings or takes or attempts to bring or take any such antiquities into or out of ~~British India~~ or any part of ~~British India~~ in contravention of a notification issued under sub-section (*1*), shall be punishable with fine which may extend to five hundred rupees.

(*3*) Antiquities in respect of which an offence referred to in sub-section (*2*) has been committed shall be liable to confiscation.

(*4*) An ~~officer of Customs, or an~~ officer of Police of a grade not lower than Sub-Inspector, duly empowered by the ~~Local~~ Government in this behalf, may search any ~~vessel,~~ cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (*2*) are contained therein.

(*5*) A person who complains that the power of search mentioned in sub-section (*4*) has been vexatiously or improperly exercised may address his complaint to the ~~Local~~ Government, and the ~~Local~~ Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection

(Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.—Section 18.)

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Local Government to control moving of sculptures, carvings or like objects.

18. (*1*) If the ~~Local~~ Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the ~~Local~~ Government may, by notification in the ~~local~~ official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the ~~Collector~~ Dy. Commr.

(*2*) A person applying for the permission mentioned in sub-section (*1*) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the ~~Collector~~ Dy. Commr. may require.

(*3*) If the ~~Collector~~ Dy. Commr. refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(*4*) Any person who moves any object in contravention of a notification issued under sub-section (*1*), shall be punishable with fine which may extend to five hundred rupees.

(*5*) If the owner of any property proves to the satisfaction of the ~~Local~~ Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (*1*), the ~~Local~~ Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be moveable, at its market-value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immoveable.

19. (*1*) If

(*Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.—Section 19. Excavations.—Section 20.*)

Purchase of sculptures, carvings or like objects by the Government.

19. (*1*) If the ~~Local~~ Government apprehends that any object mentioned in a notification issued under section 18, sub-section (*1*), is in danger of being destroyed, removed, injured or allowed to fall into decay, the ~~Local~~ Government may pass orders for the compulsory purchase of such object at its market-value, and the ~~Collector~~ shall thereupon give notice to the owner of the object to be purchased.

(*2*) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance ; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Local Government to control excavation.

20. (*1*) If the ~~Local~~ Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the ~~Local~~ Government may, by notification in the ~~local~~ official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply ; and

(*b*) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(*2*) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(*3*) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(*4*) If

(*4*) If any owner or occupier of land included in a notification under sub-section (*1*), proves to the satisfaction of the ~~Local~~ Government that he has sustained any loss by reason of such land being so included, the ~~Local~~ Government shall pay compensation in respect of such loss.

General.

Assessment of market-value or compensation.

21. (*1*) The market-value of any property which Government is empowered to purchase at such value under this ~~Act~~, or the amount of compensation to be paid by Government in respect of anything done under this ~~Act~~, shall, where any dispute arises touching the amount of such market-value or compensation, be ascertained in the manner provided by the Land Acquisition ~~Act~~, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable :

of 1894.

Provided that when making an inquiry under the said Land Acquisition ~~Act~~, 1894, the ~~Collector~~ shall be assisted by two assessors, one of whom shall be a competent person nominated by the ~~Collector~~, and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the ~~Collector~~ in this behalf, by the ~~Collector~~.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this ~~Act~~.

Power to make rules.

23. (*1*) The ~~Governor General in Council or the Local Government~~ may make rules for carrying out any of the purposes of this ~~Act~~.

(*2*) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under ~~Act~~.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this ~~Act~~.

Government of India Central Printing Office.—No. 1457 L. D.—30-3-1904—6,200—P. M. M.

Statement of Objects and Reasons.

With a view to ensure the better preservation of ancient monuments of archaeological, historical or artistic interest in the State a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee has, among other things, urged the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904 of British India. The annexed Bill is accordingly prepared.

It provides for the Government to acquire rights in or guardianship over an ancient monument under certain circumstances and to enter into an agreement with the owner for the preservation of an ancient monument.

Traffic in antiquities which may prove detrimental to the State is prohibited. Power is also taken to control the movement of sculptures, carvings, images, bas-reliefs, inscriptions or other like objects and to restrict excavations in any prescribed area.

"Copy"

C Padmanabhan

Secretary, Legislative Council

Previous Reference.

G. O. 194-17 Sls 1-3 & 8 (1920)

File NO. 10 - 20.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For 1925

Judicial and Logislative

Logislation.

"A" Collection. Serial NOs. 1, 2, 4-5.

Subject. Regulation for the Preservation of Ancient Monuments in the State.

Table of contents.

Serial NO of File	Number and date of letter and contents	Page in A Progs
1	Letter No. J 2319-20 dated 7-11-21, to the Director of Archaeological Researches in Mysore and to the Secretary to Govt., Muzrai Dept. Forwards a copy of the ancient monuments preservation bill and calls for his views in the matter Letter No. 141/280 dated 28-11-20, from the Dir of Archaeological Researches in Mysore States that the Bill appears to be all right and suggests certain alterations . Letter No. 3800 dated 21-1-22, from the Secy to Govt. Muzrai Dept. States that the Bill is all right. No. P 217 dated 16-7-25, to the Compiler Mysore Gazette. Publishes for general information, the Ancient Monuments Preservation Regulation 1925, which received the assent of His Highness the Maharaja on the 9th July 1925 as Regulation No. IX of 1925.	

T.V.R.

1905

G. R. S. III-21

General and Revenue Secretariat.

Legis. File No. 10

19 [illegible]
[illegible] of 19 20.
FILE [illegible]

Serial No.

and necessary steps therefore will be taken in this respect in the legislative department

This may be sent to the Museum. section for favour of putting up the file G. M. 194-17-8 connected with the order from which the above extract is taken, before taking necessary action in the legislative section.

R. 5/10

Six copies of the ~~Draft~~ Indian Act may not be obtained. If approved, the Library will be requested to kindly order for

VII of 1904 — 6 copies of Act VI of 1904 (The Ancient Monuments Preservation Act)

AMR 6/10

Yes. Please execute

D. M. 12/10

To the Library for favour of necessary action

AMR 13/10

Subd. 6 Copies of the Act have been received. Necessary changes have been made in a copy of VI for the purpose of a draft Bill

A statement of Objects

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Legs' File No. 10 of 1920

Serial No.

and Reasons is also put up.

S.C.R.

2) Please put up the Sl: of O. & R. of the Bill: Indian Bill & the discussion thereon.

8/3

3) Submit. with the Bill with the Statement of Objects & Reasons.

S.C.R.

Subsequently drafts.

J.K.S

Typed draft of Sl. of O. & R. is put up.

4) Submitted for approval of 3rd member.

5) Have the Muslim Archaeology and the Muzumdar committee reports or they have not been received the views may also be obtained.

Mir Hayat Hussain

21/11

6) Draft Please.

7) Submit. with a draft

8) Issue.

S.C.R.

J.K.S

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. W of 1920.

Serial No.	
1	To the Director of Archeology the Imperial Secretary's No. J 2319-20 dt. 4.11.20. forwards a copy of the Ancient Monuments Preservation Bill and calls for his opinion in the matter
2.	From the Director of Archaeology No. 141/120 dt. 25th Nov. 1920 states that the Bill appears to be all right & suggests certain alterations
	9) Encl. The reply from the Imperial Secy. may be awaited.
	10) Ajs C Secy 5/12
	Reply from the Imperial Secy. is not yet received Encl. with a draft reminder
	Secy 5/1/21 5/1/21
	Issue Secy 6/1/21

NOTE—Contn. sheet.

General and Revenue Secretariat.

Legs File No. 10 of 19 22

Serial No.	
3	The Mysore Secy to Govt. G. 3115 of 9/11/22 Referring to cl. 1 requesting for his views at a very early date.
4.	From The Mysore Secy to Govt. No 3500 of 2-1-1922 States that the Bill is circulated to the Director of Archaeology while considering the Bill alleged, has suggested that Sections 5-9 relating to preservation of monuments by agreement are not necessary as there are very few (in fact only 2) which are under private control Subs. for orders. 5.9 12) It seems better to have provisions to meet all contingencies which is the opinion expressed by the Director himself. The Mysore Secy also approves of the Bill Subd 3rd member

Ede 24/1/22 JKS

28/1/22

NOTE—Contn. sheet.

25/1

Ordered accordingly 24.1.22

G. R. S. III-2)

General and Revenue Secretariat.

Leg File No. 20 of 1920

Serial No.

3772/21

13) In pursuance of the decision taken by Govt in Order VII of 1904 referred to Board of Revenue Madras Presidency Govt) to recommending to Govt making such changes in Succession Act as are necessary & practicable & Govt Madras - The draft bill has been prepared after Govt & Govt of India & Secretary of State & Legislative Council & Judges who have considered & have approved the draft bill -

14) The draft bill might introduced in the Legislative Council.

15) Council matter - Might discussed & by Council after Govt of India approved

Sir Hamza Hussain
Rec
5/2

SECRETARIAT OFFICE
RECEIVED 10 FEB 1922
No. L 218

(Dewan)

16) Leg m. Kantaraja Urs
Secy
12/2/22

Leg Secy

Ch. Secy with Compts
to Govt
Govt

17) I agree
Rec Rajamannar
20.2.22

NOTE—Contn. sheet.

THIRD

Final Note by the First Member of Council.

Subject:— The Ancient Monuments Preservation Bill.

1) The passing of a measure similar to the Government of India Act VII of 1904 (The Ancient Monuments Preservation Act) was recommended by a Committee which sat for considering the question of the preservation of ancient monuments. In para 2 of Governme Order No. G. 6045-105/G.M. 104-17-8 dated 14th September 1920, the necessity for the proposed legislation was accepted and the necessary steps therefor were ordered to be taken in the Legislative Department.

2) A draft bill was accordingly prepared on the lines of the Government of India Act referred to. The Muzrai Secretary and the Director of Archoelogical Researches who were consulted have approved of the Bill. The Bill has also been agreed to by the Dewan and the Members of Council.

3) Gracious sanction of His Highness is now solicited to place the Bill before the Legislative Council.

Dated, 7th March 1922.

MEMBER OF COUNCIL.

Submitted to His Highness.

I submit herewith a Final Note by the Third Member of Council on the subject of the Ancient Monuments Preservation Bill, for His Highness' gracious approval.

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Introduction of the Ancient Monuments Preservation Bill into the Legislative Council.

6/4

22) **Order.**

~~KRW~~

13/3/22

Gul recd 4/5-3

1573 As. Introduction asbin 4/8/3

1637

Gen. S. 111-2-1-

General and Revenue Secretariat.

File No. 10 of 1920.

Serial No.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of His Highness' orders ~~before~~ / after issue of orders. (*Vide* Rules 31, 33 and 34 or the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government,

.....General..... Department.

FIRST MEMBER OF COUNCIL Seen

SECOND MEMBER OF COUNCIL

THIRD MEMBER OF COUNCIL

WD 923—GPB—500—3-11-

NOTE.—Contn sheet.

P. S. III-2)

General and Revenue Secretariat.

Legis. File No. 10 of 1920.

Serial No.

The Bill has been included in the Agenda

Sntw. with the forms for obtaining the sanction of the Dewan for introduction of the Bill

&c.
30/3/22

Informn & Agenda sent to members.

Copy 30/3

5765-3444.
30.3.22.

Signed
Dewan
31.3.22

Dewan's Office
Received
MAR 31 1922
5215

Copy 31.3.22

Leave was granted to introduce the Bill on the 27th.

Sntw. with a draft publishing the Bill

&c.
30/6/22

Copy sent. Copy 3.7.22

Issued G.O. dated 4.7.22

NOTE—Contn. sheet.

General and Revenue Secretariat. | Legis File No. 10 of 1920.

Serial No.

The Bill has been published in the Gazette & 2 from copies have been sent to members as usual.

At the ensuing meeting it has been proposed (in the Agenda separately worked up) to have the Bill read in Council & referred to a Select Committee.

Submitted for orders as regards the gentlemen to be proposed for the Select Committee.

Sd/
Bne
4.9.22
Sd/
4/9

A selection may perhaps be made from among the following gentlemen.

1. Mr. K.R. Srinivasa Iyengar
2. " Cadambi
3. " K Shankaranarayana Rau
4. Rajasabhabhushana Dewan Bahadur K.P. Puttanna Chetty
5. Rajakaryaprasakthi Rao Bahadur M. Shama Rau.
6. Mr. H Venkata ramaiya
7. " N.S. Nanjundia.

The Mysore Secretary, & messrs R Narasimha Char & G.H. Krumbiegel may perhaps be invited.

1st member

P.T.O.

Calg
4.9.22

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat. | Legis File No. 10 of 19 22.

Serial No.

1953-22
5.9.22

Secn. It is hereby that names suggested are entered on separate slips & dealt with in above cover

Rec'd
7.9.22

noted for future guidance.

cag 7/9

a list is enclosed and submitted as per orders above.

1st Member)

cag 8/9

*(- the meeting of the Legislative 18.9.22 the following names were announced for the I.C.S & approved

1) Y. L. R. Srinivasa Iyengar
2) " S. Gadambi
3 " K. Ramakrishnamayya Pantulu
4 " Rajasabhabhushana Devarajan
& P. Pattanna Chetty
5) Y. V. " Jandhyala

the members.

Submitted for orders re the date of meeting

1st Member)

cag 8/10

3105-1922.
9.10.22

Secn 29.9.22 A.D. 4/10

I shall specify the date after return of H'ble Secy.

Rec'd
9.10.22

A. S. B. 12/10/22

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 10 of 19·20.

Serial No.

Resolved.

For favour of fixing a date for the Select Committee meeting

1st Members

16/10/22

14/10/22

16.10.22

3331-350

20.10.22

First Member's orders:.

25th November Saturday 3 p.m., may be fixed for the Select Committee Meeting.

B.O.

Narasimha Rao

27.10.22.

27/10/22

Please do initiate to the members

27.10.22

Submit with a draft intimation to the members

Orders are also solicited in regard to the proposal to invite the Hon'ble Secy, M/R. Narasimhachar & Mr Krumbiegel for the meeting; Please see page 12 of these notes.

A

28/10

Issue copy submit to 1st member for orders regarding A.

30/10

Issued 30-10-22

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Legislative File No. 10 of 19 20.

Serial No.

Resolved
sd
2/11/22
Hon
4/11

Respectfully submitted for orders, whether the Hon'ble Secy, Mr Narasimhachar & Mr Krumbiegel may be invited to attend the select committee meeting. The rules provide for such invitation, and there are precedents.

3849 - 2324.
8.11.22

1st member)
The Hon Secy (Revenue) & Mr. R. Narasimha Char may be requested to be present. I do not think Mr. Krumbiegel's services will be required. If need be, he may be consulted later.

Cuq
7.11.22

Reed
9.11.22

Leg
9/11

Draft letters to the above co-opted members requesting them to attend the meeting
Hon
9/11

Submit with the Draft

Sec
15/11/22
Hon
15/11

Done
Hon
15/11

Issued 370 - 71 - 72

NOTE—Contn. sheet.

No

Mysore

32

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore, 21st November 1922

Dear Sir,

With reference to Official Memorandum No. 324-8/L.C. dated 1st November 1922, fixing the meeting of the Select Committee to consider the Bill to provide for the preservation of ancient Monuments, I write to inform you that there is a meeting of the Senate at Mysore on the 24th which I wish to attend. I understand from Mr.K.R.Srinivasaiengar that he intends proceeding to Mysore to be present at the meeting-

I wish to suggest therefore that you may kindly arrange to postpone the date, if practicable.

Yours sincerely,

A Ca dami

Abdul Ghani, Esq., B.A., B.L.,
Secretary, Mysore Legislative Council,
Bangalore.

Submitted for orders.
Sahukar. 9th Dec
21-11-22

Serial No.

Order. Receipt of draft intimating to the members of the postponement

SLO
27/11/70
AOR
22/4

Done
SNS
22/11

Messrs K.P. Puttanna Chetty v K.R. Seetharamaiya intimates inability to take up the meeting fixed for this afternoon as the Govt. Advocate was absent - the reason not known. The only two members present were Messrs Cadambi & N.S. Kanjumudaiya. The other two co-opted members Messrs Jagannatha Hegde & R. Kantimathan were present yet as there was no quorum. as required under Rule 41 of the Rules of Business the meeting was adjourned sine die.

Recd
9.12.70
3.30 pm.

Respectfully for orders as regards the dates of the meeting of the Select Committee.

SLO
24/11/70.
AOR
26/1

1st member ?

SNS
26/1

3 pm Saturday
3rd March 73
May be notified.

Recd
31.1.73

Done
others
SNS.

6199-884
29.1.73

NOTE—Contn. sheet.

2721/8

G. R. S. III-2]

General and Revenue Secretariat.

Legis. File No. 10 of 1970

Serial No.

Mrs. Cadambi who is a member of the committee had sent in his resignation of the Legislative membership & ~~the~~ The letter was ~~was~~ brought in person to the C.S for further action. It is not known if it has been accepted The C.S may be consulted

Exc 28/2/73 To the Supdt, Confidential Br, for kindly furnishing the information

Noted

Submitted with a draft notice to the members of the S.C & a draft statement to Mrs. Narasimha & the Mudgal Secy.

Since Mrs. Cadambi's resignation has not yet been accepted he continues to be a member of the Legislature

Done 5/3/73

5/3/73

NOTE—Contn. sheet.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

As the First Member of Council does not expect to be at Headquarters from 1st to 5th Proximo, the Meeting of the Select Committee in connection with the Ancient Monuments' Preservation Bill fixed for Saturday the 3rd March 1923 is to be adjourned, the adjourned date being determined later on.

By Order,

Personal Assistant to
1st Member of Council.
26.2.23

To

The Secretary,

Legislative Council.

++ for equivalent Sqr.
Please inform the members concerned
26/2

Issued 647-53 & 97-2

Suggest a date for the Select Committee meeting from the dates decided for forms of oath

4/3/23. 1st Member

P.T.O.

N. B.—Should routine notes be written on small slips, the notes must de copied, or slips pasted on this form.

W D 1880—GPB—1,50,000—2-25-21

G. R. S. III—3]
3 b

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

First Member's orders:

It is not possible to fix any date in the month of June. The file may be submitted again in the first week of July next.

M Sn
6.1.23

Assistant Secy)

Memo note.

9973-Con.
6.6.23.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 10 of 1920.

Serial No.

23) Intro. The Ancient Monuments Bill was referred on 18th Sept 1920 to a Select Committee consisting of — The 1st member (on leave) The present 2nd member, Mr. Pattabirama Chetty, Mr. A.S. Ranganadhan, Mr. Cadambi & the Govt. Pleader to 2nd Rep. Secy & Mr. Narasimhachar are co-opted members. The Select Committee has not yet considered the Bill

24) If under Rule 68 the 2nd member takes charge of the Bill, the Select Committee may be held. Govt. perhaps there is not sufficient time to publish the report for being considered & the Bill passed at the next meeting.

Submd. for orders.

25) This is a very urgent measure & may perhaps wait for the next Council. It is not possible to hold a Select Committee meeting & publish its report in time for the next meeting.

BG v.g. 11/7/20 A&R

NOTE—Contn. sheet.

G. R. S. III-2,

General and Revenue Secretariat.

File No. 10 of 19 20

Serial No.

Formal orders are moreover necessary to place the bill in charge of the second member Subd for orders

C Abdul Cas 12.7.23

(Chief Secy)

26) In the circumstance. the bill may be allowed to drop and be re-introduced before the Council the re-constituted H.M. 12/7/23

(1st member) — 27) Yes. may be brought up for consideration after his departure. 14/7 Council constituted under his word Constituted —

399 13/2/23

Hon'ble Mr Hauza Abe

(Secy) 14/7

28) Agreed. H. R. Bonnerjee

Yes 14/7 Cas 14.7

DEWAN'S OFFICE. Rcd. on JUL 12 1923 No. 385

The Secretariat Rules for orders in this Bill may be taken up at the meeting of the Legislative Council on the 16th April 1924

NOTE—Contn. sheet.

Serial No.

30) It is a point for consideration if the Bill may be referred to a select committee or re-introduced as a fresh Bill. See Sl. No. 31 The second method would perhaps be more in charge of the Bill

Sd M.R.

32) I would like to satisfy myself, if bills handed by a previous Council lapse, when a fresh Council comes into existence I do not see why they should lapse What is the practice in British India? for Indian Act & L.C. Manuals & different places maybe perhaps as also "Parliamentary Practice" by May (or Erskine)

C Alcock Esq 15/3

33) Sir Courtenay Ilbert's Parliamentary Practice. This reference is invisible to page 150 of the book wherein it is stated that every bill has to be renewed after prorogation

34) In this connection a statement was made in the Legislative Assembly of British India

NOTE—Contn. sheet.

General and Revenue Secretariat. | Legislative File No. 1/0 of 19 20

Serial No.

as regards the position of pending Bills when the Legislature is dissolved. (vide Madras mail of 12-3-24 post up) According to that the Bills do not lapse as the rules stand at present. The Govt. of India are considering to introduce a rule to the effect that pending Bills shall lapse on dissolution

S.S. 15/3/24. 35) As per council Resolution this may be inclued in the Legislative programme to be placed before the L.A. in June next. Cag 24/3

S.S. 38/3/24 Ind M.R. — Please type as revised — two copies may be made. Cag 15/5

Replies copies forwarded — S.S. 15/5/24 Ind 37) Subject Consideration (2nd member) Cag May has three items .. 15/5 18th member) Cag 16/5

9769/1895 NOTE—Contn. sheet. 382 16.5.24

Copies may be provisionally sent to the Secy RA for the file purposes. Cag 21/5 for Secy

L 15 "/3

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 10 of 19 20

Serial No.

3d Statement to be placed upon the Rec
which is put up may be approv
K.V. A...pe
24/1/--

(Secy) 3d) adpt
24/5

Recpts—

As 155. By by Rt
Wp sent—
Rt

As 2d—
Recpts—

for orders as regards
the member to be in charge
of the Bill—

The subject
8c
30/5/24. pertains to the Dewan's Portfolio,
but a member of Council is to be
in Charge of the Bill Submitted
for orders on this point after receipt
of which the usual form for obtaining
Dewan's Sanction to introduce the Bill
will be Subd to the member Concerned.
L+L Secy)
Dewan

or even a Secy to Govt

cag
31/5

2 cdn' copies
asked
H.C.

The usual forms maybe put up

cag
31/5

NOTE—Contn. sheet.

Statement to be placed before the Representative Assembly re. the Ancient monuments Preservation Bill.

- -

With a view to ensure the better preservation of ancient monuments of archæological, historical or artistic interest in the State, a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee recommended the desirability of enacting a law on the lines of the Ancient monuments Preservation Act of 1904 of British India. A Bill was accordingly prepared and introduced into the Legislative Council in 1922. But before the Select Committee, to which the Bill was referred could meet, the term of the Legislative Council expired. The Bill has therefore to be reintroduced into the new Legislative Council and under the new constitution this statement of the general principles of the Bill is placed before the Representative Assembly to ascertain its views on the Bill.

Any ancient monument can be declared a protected monument by a notification, and the Government can acquire rights in, or guardianship over, an ancient monument under certain circumstances and enter into an agreement with the owner for its proper preservation. Purchasers at certain sales and persons claiming through the owner are bound by such agreements. The terms may be altered from time to time, and the agreement may be terminated also after notice on either

side. The agreements may provide among a other matters for the preservation of a monument, its maintenance and custody, and the facilities of access to be permitted to the public. Any protected monument in d danger of destruction, injury or falling into decay may be compulsorily acquired unde the Land Acquisition Regulation.

It is also proposed to prohibit traffic in antiquities which may prove detrimental to the State and to take power to control the ~~monument~~ movement of sculptures, carvi images, bas reliefs, incriptions or other like objects and to restrict excavations in any prescribed area.

G. R. S. III-2)

General and Revenue Secretariat.

Legislative No. 10 of 1926

Serial No.

Subs - with the usual forms

See 5/6 before. 2nd member) Cay - 5/6

114/6/6 Ind

Subs

The paper has been signed by the member

6/6

Demand

67/1/6 8d 7/6. 84 7-6 Cay 7.6

(1) The Bill has been published and is to be read and referred to a Select Committee at the next stage of meeting.

Subs - for orders as to the selection of members of the committee

S.G. 3/11/26 Submitted for orders

4/11

1. The 2nd member
2. Mr. K. P. Pillai
3. Mr. Abdur Rahiman
4. Mr. M. Venkatakrishna
5. Mr. M. Shanmukha
6. Mr. Chenniah
7. Mr. J. Bhore
8. Mr. Boraganna

324/13.11 18/11/26

NOTE—Contn. sheet.

4596

3rd | Delpo File No. 10 of 1920

Serial No.

43) The Committee on the Constitution
(Home Department to arrange)

1. Mr Bozman
2. Mr Chaudry
3. Mr Abdul Rahim
4. Mr Subramaniam
5. Mr Stanyon
6. Khan Sahib
7. B Narayan

H.R. Srinivasa Iyengar

10/11

14.11

15/11

may be sent with Secy - Dept
Cl for note & return.

15/11

Secy (Legislative)

16/11

18/11

OFFICE OF THE SECRETARY
17 NOV 1924
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
ECONOMIC CONFERENCE

To Home Dept
with compts.
18.11.24

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 10 of 1920

Serial No.

44) The Bill was passed on 17-6-25 by the Legislature and with a D.O. for sanction to promulgate the Bill into Law.

5.6.

27/6 S.C.R. Chief Secy

45) For approval

C. Abdul Cag 29.6

S.J. 30.6 Cag 30.7

(2nd hr)

EVANS OFFICE 925 47

9/7 1.7

Final Note by Hon'ble Member is placed below.

3/7 Dewan J.M.

S.J. 3.7 Cag 3.7

NOTE—Contn. sheet.

Final Note by the First Member of Council.

Subject:—

Promulgation into law of the Ancient Monuments Preservation Bill.

46) In March 1922 His Highness was graciously pleased to accord sanction to the Ancient Monuments Preservation Bill being introduced into the Legislative Council. As the Bill could not be passed - before the reconstitution of the Legislative Council, the Bill was again introduced into the reconstituted Legislative Council after obtaining the approval of the general principles of the Bill by the Representative Assembly.

47) The report of the Select Committee to which the Bill was referred was adopted by the Council and the Bill was finally passed on 17th June 1925.

48) A copy of the Bill as finally passed is placed in the file.

49) The gracious sanction of His Highness is now solicited to promulgate the Bill into law.

OFFG. FIRST MEMBER OF COUNCIL.

3/7/25

3-7-1925.

Submitted to His Highness.

50/ *I submit herewith a Final Note by the* First Member of Council

Member of Council on the subject of promulgation into law of

the Ancient Monuments Preservation Bill

.....

for His Highness' gracious approval.

Bangalore,
6th July 1925.

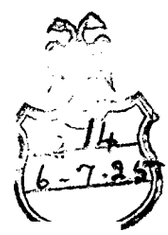
Dewan.

6 JUL 1925

S.N.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Promulgation into law of the - Ancient Monuments Preservation Bill.

51) *Order.*

~~KRW~~

9/7/25

52)

General and Revenue Secretariat.

Legi File No. 10 of 1920

Serial No.		
	53) Embd invite a draft promulgating the Bill into law. Ec S. Dy. 14/7/25 A.S.R. Asst 14/7 → Issue Cabinet Secretariat 14.7	
5	To ai compiler, mysore Gazette Order No P. 217 dt 16.7.25	Statics

Publishes for general information, the Ancient monuments Preservation Regulation 1925, which received the assent of H.H the maharaja (to be promulgated into law) on 9.7.25 as Regulation no. IX of 1925.

NOTE—Contn. Sheet

Second
Office of the ~~Third~~
Member of Council

Dated 1922

To A. R. Banerjee, Esq., M.A., I.C.S.
C.S.I., C.I.E.
Dewan of Mysore.

Sir,

I beg to request your sanction in writing under Section 12 of Regulation I of 1907, for introducing a bill to provide for the preservation of Ancient Monuments,

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

V Raghavendra Rao
Member. 31. 3. 22

OFFICE OF THE DEWAN OF MYSORE.

Dated.....1922

Mr. P. Raghavendra Rao Member of the Mysore Legislative Council, is hereby permitted to introduce a bill to provide for the preservation of Ancient Monuments

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. I of 1907.

Dewan of Mysore.

G. R. S. VI—S-III/13]

DRAFT

SUBJECT.....

.....

....

Section.
File No.
Serial No.

No. 87 1-C

Diary No. of letter replied to.....

NOTIFICATION.

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Under Rule 31/92 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the preservation of Ancient Monuments is published for general information with the statement of objects and reasons.

Date of issue 4/7/22

Signed by [signature]

By Order,

[signature] 3-7-22

Secretary, Mysore Legislative Council.

(Here print the accompanying Bill with the statement of objects and reasons).

To

The Compiler, *Mysore Gazette* for publication in Part III of the Gazette in English and Kannada and for sending 100 copies in English and 75 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

[signature] 3/7/22

Proof 4/7 Copy to Secretariat section

Statement of Objects & Reasons.

With a view to ensure the bett preservation of ancient monuments of archaeological, historical or artistic interest in the State a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee has, among other things, urged the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904 of British India. The annexed Bill is accordingly prepared.

It provides for the Government to ~~enquire~~ acquire ~~xx~~ rights in or guardianship ~~of~~ over an ancient monument under certain circumstances and to enter into an agreement with the owner for the preservation of an ancient monument.

Traffic in antiquities which may prove deterimental to the State is prohibited. Power is also taken to control the movement of sculptures carvings, images, bas-reliefs, inscriptions or other like objects and to restrict excavations in any prescribed areas.

Statement of Objects and Reasons.

With a view to ensure the better preservation of ancient monuments of archaeological, historical or artistic interest in the State, a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee was, among other things, urged the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904 of British India. The annexed Bill is accordingly prepared.

It provides for the Government to acquire rights in or guardianship over an ancient monuments under certain circumstances and to enter into an agreement with the owner for the preservation of an ancient monument.

Traffic in antiquities which may prove detrimental to the State is prohibited. Power is also taken to control the movement of sculptures, carvings, images, bas-reliefs, inscriptions or other like objects and to restrict excavations in any prescribed area.

Copy"

Secretary, Legislative Council

THE ANCIENT MONUMENTS PRESERVATION ~~ACT, 1904~~ (VII OF 1904)

CONTENTS

SECTIONS.

1. Short title and extent.
2. Definitions.
3. Protected monuments.

Ancient Monuments.

4. Acquisition of rights in or guardianship of an ancient monument.
5. Preservation of ancient monument by agreement.
6. Owners under disability or not in possession.
7. Enforcement of agreement.
8. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.
9. Application of endowment to repair of an ancient monument.
10. Compulsory purchase of ancient monument.
11. Maintenance of certain protected monuments.
12. Voluntary contributions.
13. Protection of place of worship from misuse, pollution or desecration.
14. Relinquishment of Government rights in a monument.
15. Right of access to certain protected monuments.
16. Penalties.

Traffic in Antiquities.

17. Power to Government ~~General in Council~~ to control traffic in antiquities.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

18. Power to Local Government to control moving of sculptures, carvings or like objects.
19. Purchase of sculptures, carvings or like objects by the Government.

Excavations.

20. Power to Local Government to control excavation.

General.

[*Price four annas and six pies.*]

General.

SECTIONS.

21. Assessment of market-value or compensation.
22. Jurisdiction.
23. Power to make rules.
24. Protection to public servants acting under Act.

ACT NO. VII OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 18th March, 1904.*)

An Act to provide for the preservation of Ancient Monuments and of objects of archæological, historical or artistic interest.

WHEREAS it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; It is hereby enacted as follows :—

1. (*1*) This Act may be called the Ancient Monuments Preservation Act, 1904. **Short title and extent.**

(*2*) It extends to the whole of British India, inclusive of British Baluchistan, the Sonthal Parganas and the Pargana of Spiti.

2. In this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

(*1*) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof, and includes—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the

(*c*) the means of access to and convenient inspection of an ancient monument:

(*2*) "antiquities" include any moveable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion:

(*3*) "Commissioner" includes any officer authorized by the ~~Local~~ Government to perform the duties of a Commissioner under this ~~Act~~:

(*4*) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto:

(*5*) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not: and

(*6*) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee:

Provided that nothing in this ~~Act~~ shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (*1*) The ~~Local~~ Government may, by notification in the ~~local~~ official Gazette, declare an ancient monument to be a protected monument within the meaning of this ~~Act~~.

(*2*) A copy of every notification published under sub-section (*1*) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the ~~Local~~ Government within one

one month from the date when it is so fixed up will be taken into consideration.

(*3*) On the expiry of the said period of one month, the ~~Local~~ Government, after considering the objections, if any, shall confirm or withdraw the notification.

(*4*) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this ~~Act.~~ Regulation

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (*1*) The ~~Collector~~, with the sanction of the ~~Local~~ Government, may purchase or take a lease of any protected monument.

(*2*) The ~~Collector~~, with the like sanction, may accept a gift or bequest of any protected monument.

(*3*) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the ~~Local~~ Government, accept such guardianship.

(*4*) When the Commissioner has accepted the guardianship of a monument under sub-section (*3*), the owner shall, except as expressly provided in this ~~Act~~, have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(*5*) When the Commissioner has accepted the guardianship of a monument under sub-section (*3*), the provisions of this ~~Act~~ relating to agreements executed under section 5 shall apply to the written instrument executed under the said sub-section.

(*6*) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

5. (*1*) The

Preservation of ancient monument by agreement.

5. (*1*) The ~~Collector~~ may, with the previous sanction of the ~~Local~~ Government, propose to the owner to enter into an agreement with the ~~Secretary of State for India in Council~~ for the preservation of any protected monument in his district.

(*2*) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument,

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the ~~Collector~~ to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market-value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietary or other rights which are to vest in His ~~Majesty~~ in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(*h*) the

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(*3*) An agreement under this section may be executed by the ~~Collector~~ City Corpn. on behalf of the ~~Secretary of State for India in Council~~ Govt. of Mysore, but shall not be so executed until it has been approved by the ~~Local~~ Government.

(*4*) The terms of an agreement under this section may be altered from time to time with the sanction of the ~~Local~~ Government and with the consent of the owner.

(*5*) With the previous sanction of the ~~Local~~ Government, the ~~Collector~~ City Corpn. may terminate an agreement under this section on giving six months' notice in writing to the owner.

(*6*) The owner may terminate an agreement under this section on giving six months' notice to the ~~Collector~~ City Corpn.

(*7*) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(*8*) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

6. (*1*) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by section 5.

(*2*) In the case of village-property, the headman or other village-officer exercising powers of management

ment over such property may exercise the powers conferred upon an owner by section 5.

(*3*) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

Enforcement of agreement.

7. (*1*) If the ~~Collector~~ apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the ~~Collector~~ may make an order prohibiting any such contravention of the agreement.

(*2*) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Collector necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the ~~Collector~~, the ~~Collector~~ may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

(*3*) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person who purchases, at a sale for arrears of land-revenue or any other public demand, ~~or at a sale made under the Bengal Patni Taluks Regulation, 1819~~, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, VIII of 1819.

being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9. (*1*) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the ~~Collector~~ Commissioner, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the ~~Collector~~ Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(*2*) On the hearing of an application under sub-section (*1*), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory purchase of ancient monument.

10. (*1*) If the ~~Local~~ Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the ~~Local~~ Government may proceed to acquire it under the provisions of the Land Acquisition ~~Act~~, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that ~~Act~~.

~~I of 1894.~~

(*2*) The powers of compulsory purchase conferred by sub-section (*1*) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(*3*) In

(*3*) In any case other than the cases referred to in sub-section (*2*) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the ~~Collector~~ may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments.

11. (*1*) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in section 4 or which the Government has acquired under section 10.

(*2*) When the Commissioner has accepted the guardianship of a monument under section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (*1*) A place of worship or shrine maintained by the Government under this ~~Act~~ shall not be used for any purpose inconsistent with its character.

(*2*) Where the ~~Collector~~ has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part

part thereof, is periodically used for religious worship or observances by any community, the ~~Collector~~ shall make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

Relinquishment of Government rights in a monument.

14. With the sanction of the ~~Local~~ Government, the Commissioner may—

(*a*) where rights have been acquired by Government in respect of any monument under this ~~Act~~ by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this ~~Act~~.

Right of access to certain protected monuments.

15. (*1*) Subject to such rules as may after previous publication be made by the ~~Local~~ Government, the public shall have a right of access to any monument maintained by the Government under this ~~Act~~.

(*2*) In making any rule under sub-section (*1*) the ~~Local~~ Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this ~~Act~~ or

in

in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (*1*), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

Power to ~~Governor-General in Council~~ to control traffic in antiquities.

17. (*1*) If the ~~Governor-General in Council~~ apprehends that antiquities are being sold or removed to the detriment of ~~India~~ or of any neighbouring country, ~~he~~ may, by notification in the Gazette ~~of India~~, prohibit or restrict the bringing or taking ~~by sea or by land~~ of any antiquities or class of antiquities described in the notification into or out of ~~British India~~ or any specified part of ~~British India~~.

(*2*) Any person who brings or takes or attempts to bring or take any such antiquities into or out of ~~British India~~ or any part of ~~British India~~ in contravention of a notification issued under sub-section (*1*), shall be punishable with fine which may extend to five hundred rupees.

(*3*) Antiquities in respect of which an offence referred to in sub-section (*2*) has been committed shall be liable to confiscation.

(*4*) An ~~officer of Customs, or an~~ officer of Police of a grade not lower than Sub-Inspector, duly empowered by the ~~Local~~ Government in this behalf, may search any ~~vessel,~~ cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (*2*) are contained therein.

(*5*) A person who complains that the power of search mentioned in sub-section (*4*) has been vexatiously or improperly exercised may address his complaint to the ~~Local~~ Government, and the ~~Local~~ Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Local Government to control moving of sculptures, carvings or like objects.

18. (*1*) If the ~~Local~~ Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the ~~Local~~ Government may, by notification in the ~~local~~ Official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the ~~Collector~~ Dy. Comm.

(*2*) A person applying for the permission mentioned in sub-section (*1*) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the ~~Collector~~ Dy. Comm. may require.

(*3*) If the ~~Collector~~ Dy. Comm. refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(*4*) Any person who moves any object in contravention of a notification issued under sub-section (*1*), shall be punishable with fine which may extend to five hundred rupees.

(*5*) If the owner of any property proves to the satisfaction of the ~~Local~~ Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (*1*), the ~~Local~~ Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be moveable, at its market-value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immoveable.

19. (*1*) If

(Protection of Sculptures, Carvings, Images, Bas-relief, Inscriptions or like objects. Excavations.)

Purchase of sculptures, carvings or like objects by the Government.

19. (*1*) If the ~~Local~~ Government apprehends that any object mentioned in a notification issued under section 18, sub-section (*1*), is in danger of being destroyed, removed, injured or allowed to fall into decay, the ~~Local~~ Government may pass orders for the compulsory purchase of such object at its market-value, and the ~~Collector~~ shall thereupon give notice to the owner of the object to be purchased.

(*2*) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Local Government to control excavation.

20. (*1*) If the ~~Local~~ Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the ~~Local~~ Government may, by notification in the ~~local~~ official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply; and

(*b*) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(*2*) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(*3*) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(*4*) If

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the ~~Local~~ Government that he has sustained any loss by reason of such land being so included, the ~~Local~~ Government shall pay compensation in respect of such loss.

General.

Assessment of market-value or compensation.

21. (1) The market-value of any property which Government is empowered to purchase at such value under this ~~Act,~~ or the amount of compensation to be paid by Government in respect of anything done under this ~~Act,~~ shall, where any dispute arises touching the amount of such market-value or compensation, be ascertained in the manner provided by the Land Acquisition ~~Act,~~ 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable:

~~1 of 1894.~~

Provided that when making an inquiry under the said Land Acquisition ~~Act,~~ 1894, the ~~Collector~~ shall be assisted by two assessors, one of whom shall be a competent person nominated by the ~~Collector~~, and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the ~~Collector~~ in this behalf, by the ~~Collector~~.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this ~~Act.~~

Power to make rules.

23. (1) The ~~Governor General in Council or the Local~~ Government may make rules for carrying out any of the purposes of this ~~Act.~~

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under ~~Act.~~

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this ~~Act.~~

Mr. Gundu Rao informed me that this matter is in print at the Press and therefore this need not be printed. Hence

26/5

manuscript please

to Supdt DSS
town compound.

You may kindly Supdt. this to the Reserve Stks and send for
26.5.24. information

26/5

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The enclosed copy of statement to be placed before the Representative Assembly regarding the Ancient Monuments Preservation Bill, which has been approved by the Dewan, is forwarded with compliments to the Secretary, Representative Assembly and Legislative Council.

1782

N. B.—Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form.

Statement to be placed before the Representative Assembly regarding the Ancient Monuments Preservation Bill.

.....

With a view to ensure the better preservation of ancient monuments of archaeological, historical or artistic interest in the State, a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee recommended the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904 of British India. A Bill was accordingly prepared and introduced into the Legislative Council in 1922. But before the Select Committee, to which the Bill was referred could meet, the term of the Legislative Council expired. The Bill has therefore to be reintroduced into the Legislative Council and under the constitution this statement of the general principles of the Bill is placed before the Representative Assembly to ascertain its views on the general principles of the ill.

Any ancient monument can be declared a protected monument by a notification, and the Government can acquire rights in, or guardianship over, an ancient monument unde certain circumstances and enter into an agreement with the owner for its proper pre servation. Purchasers at certain sales and persons claiming through the owner are bound by such agreements. The terms may be altered from time to time, and the agreemen may be terminated also after notice on

either side. The agreements may provide among other matters for the preservation of a monument, its maintenance and custody, and the facilities of access to be permitted to the public. Any protected monument in danger of destruction, injury or falling into decay may be compulsorily acquired under the Land Acquisition Regulation.

It is also proposed to prohibit traffic in antiquities which may prove detrimental to the State and to take power to control the movement of sculptures, carvings, images bas reliefs, inscriptions or other like objects and to restrict excavations in any prescribed area.

The above statement has been approved by the Dewan.

Office of the Secretary to Council
Bangalore

Dated June 1924.

To

Rajamantra Dhurina
A. R. Banerji, C. S. I., C. I. E.
Dewan of Mysore.

SIR,

I beg to request your sanction in writing under Section ~~12~~ 9 of Regulation ~~I~~ XIX of 190~~7~~ 23, for introducing a bill to provide for the preservation of ~~the~~ Ancient Monuments

at a meeting of the Mysore Legislative Council.

I have the honor to be,
Sir,
Your most obedient servant,

Member.

OFFICE OF THE DEWAN OF MYSORE.

Dated.....June 1924

Mr. Dr. R. Srinivasaiengar..... Member of the Mysore Legislative Council, is hereby permitted to introduce a bill.....to provide for the preservation of Ancient Monuments.....

.....

.....at a meeting of the said Council, subject to the rules for the time being in force under the Mysore Legislative Council Regulation, No. ~~I~~ XIX of 1907.

Dewan of Mysore.

17 JUN 1924

NOTIFICATION.

No. 242, *dated 4th August* 1924.

Under Rule 7 of the Rules for the conduct of business of the Mysore Legislative Council the accompanying bill to provide for the Preservation of Ancient Monuments is published for general information with the statement of objects and reasons.

THE ANCIENT MONUMENTS PRESERVATION BILL.

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BILL TO PROVIDE FOR THE PRESERVATION OF ANCIENT MONUMENTS AND OF OBJECTS OF ARCHÆOLOGICAL, HISTORICAL OR ARTISTIC INTEREST.

Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (1) This Regulation may be called the Ancient Monuments Preservation Regulation.

(2) It extends to the whole of Mysore.

Definitions

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave,

rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof, and includes—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument;

(2) "antiquities" include any moveable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion;

(3) "Commissioner" includes any officer authorized by the Government to perform the duties of a Commissioner under this Regulation.

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto:

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not: and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee:

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (1) The Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Government within one month from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of one month, the Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Deputy Commissioner, with the sanction of the Government, may purchase or take a lease of any protected monument.

(2) The Deputy Commissioner, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement.

5. (1) The Deputy Commissioner may, with the previous sanction of the Government, propose to the owner to enter into an agreement with the Government of Mysore for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market-value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietory or other rights which are to vest in His Highness ~~the Maharaja~~ in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Deputy Commissioner on behalf of the Government of Mysore, but shall not be so executed until it has been approved by the Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) With the previous sanction of the Government, the Deputy Commissioner may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Deputy Commissioner.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

6. (1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by Section 5.

(2) In the case of village-property, the headman or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

Enforcement of agreement

7. (1) If the Deputy Commissioner apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Deputy Commissioner may make an order prohibiting any such contravention of the agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Deputy Commissioner necessary to such preservation or maintenance or neglects to do any such act within such reasonable time as may be fixed by the Deputy Commissioner, the Deputy Commissioner may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person whose purchases, at a sale for arrears of land revenue or any other public demand, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed an such instrument, shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9. (1) If any owner or other person competent to enter into an agreement under section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Deputy Commissiner, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Deputy Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory purchase of ancient monument

10. (1) If the Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Regulation.

(2) The powers of compulsory purchase conferred by su section (1) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Deputy Commissioner may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in section 4 or which the Government has acquired under section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (1) A place of worship or shrine maintained by the Government under this Regulation shall not be used for any purpose inconsistent with its character.

(2) Where the Deputy Commissioner has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Deputy Commissioner shall make due provision for the protection of such monument or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

14. With the sanction of the Government, the Commissioner may—

Relinquishment of Government rights in a monument.

(*a*) where rights have been acquired by Government in respect of any monument under this Regulation by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this Regulation.

Right of access to certain protected monuments

15. (1) Subject to such rules as may after previous publication be made by the Government, the public shall have a right of access to any monument maintained by the Government under this Regulation.

(2) In making any rule under sub-section (1) the Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Regulation or in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

Power to Government to control traffic in antiquities.

17. (1) If the Government of Mysore apprehend that antiquities are being sold or removed to the detriment of Mysore or of any neighbouring country, it may, by notification in the Official Gazette, prohibit or restrict the bringing or taking of any antiquities or class of antiquities described in the notification into or out of Mysore or any specified part of Mysore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Mysore or any part of Mysore in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hudred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Police of a grade not lower than Sub-Inspector, duly empowered by the Government in this behalf, may search any cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe, that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may address his complaint to the Government, and the Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Government to control moving of sculptures, carvings or like objects.

18. (1) If the Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Government may, by notification in the Official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Deputy Commissioner.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object, any information which the Deputy Commissioner may require.

(3) If the Deputy Commissioner refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be moveable, at its market value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immoveable.

Purchase of sculptures, carvings or like objects by the Government.

19. (1) If the Government apprehends that any object mentioned in a notification issued under section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Government may pass orders for the compulsory purchase of such object at its market value, and the Deputy Commissioner shall thereupon give notice to the owner of the object to be purchased.

(2) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance ; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Local Government to control excavation.

20. (1) If the Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Government may, by notification in the Official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply; and

(*b*) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub section (1), proves to the satisfaction of the Government that he has sustained any loss by reason of such land being so included, the Government shall pay compensation in respect of such loss.

General.

Assessment of market value or compensation.

21. (1) The market value of any property which Government is empowered to purchase at such value under this Regulation or the amount of compensation to be paid by Government in respect of anything done under this Regulation, shall, where any dispute arises touching the amount of such market value or compensation, be ascertained in the manner provided by the Land Acquisition Regulation, 1894, sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable.

Provided that when making an inquiry under the said Land Acquisition Regulation, 1894, the Deputy Commissioner shall be assisted by two assessors, one of whom shall be a competent person nominated by the Deputy Commissioner and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Jurisdiction.

Power to make rules.

23. (1) The Government may make rules for carrying out any of the puposes of this Regulation.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under Regulation.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Regulation.

Statement of Objects and Reasons.

With a view to ensure the better preservation of ancient monuments of archæological, historical or artistic interest, in the State, a Committee was appointed in 1917 to consider and report on the measures necessary in this behalf. The Committee has, among other things, urged the desirability of enacting a law on the lines of the Ancient Monuments Preservation Act of 1904, of British India. The annexed Bill is accordingly prepared.

It provides for the Government to acquire rights in or guardianship over an ancient monument under certain circumstances and to enter into an agreement with the owner for the preservation of an ancient monument.

Traffic in antiquities which may prove detrimental to the State is prohibited. Power is also taken to control the movement of sculptures, carvings, images, bas-reliefs, inscriptions or other like objects and to restrict excavations in any prescribed area.

By Order,
R. RANGA RAO.
Secretary, Legislative Council.

NOTIFICATION.

No. 2571, *dated* 14*th February* 1925.

Under Standing Order No. 49 of the standing orders for the conduct of business and procedure of the Legislative Council, published in Notification No. P. 4349—Legis. 13-23-24, dated 5th February 1924, the accompanying report of the Select Committee on the bill to provide for the preservation of ancient monuments, etc., is published for information.

By Order,

R. RANGA RAO,

Secretary, Legislative Council.

REPORT OF THE SELECT COMMITTEE ON THE BILL TO PROVIDE FOR THE PRESERVATION OF ANCIENT MONUMENTS AND OF OBJECTS OF ARCHÆOLOGICAL, HISTORICAL OR ARTISTIC INTEREST.

We the members of the Select Committee to consider the bill to provide for the preservation of ancient monuments and of objects of archæological, historical or artistic interest, have carefully considered the bill and are of the following opinion :—

(1) We think that the period of one month fixed in Section 3 (2) for the receipt of objections may be increased to two months and we suggest the substitution of the words 'two months' for 'one month' in clause (2) of Section 3. Clause (3) of this section has to be similarly altered.

(2) In Section (5) (2) (g) substitute the words 'the Government' for 'His Highness the Maharaja.'

(3) In Section 17 (1) for the word 'country' substitute the words 'Province or State.'

(4) In Section 18 (2) in the third line, after 'object' add 'or objects.'

(5) In Section 24 omit the 'comma' after 'done' in line 2 and transfer the words 'in good faith' in line 3 after the words 'to be done' in the same line.

In view of the fact that the modifications made by us are not material, the amended bill need not be published in the Official Gazette.

(Sd.) K. R. SRINIVASA IYENGAR.
„ M. SHAMA RAO.
„ JOHN BHORE.
„ B. A. RAHMON.
„ D. VENKATESAIYA.
„ K. SHANKARANARAYAN RAO.

BANGALORE,
10*th February* 1925.

Foot note by the Secretary.—*Mr. K Chandy was not present.

BILL TO PROVIDE FOR THE PRESERVATION OF ANCIENT MONUMENTS AND OF OBJECTS OF ARCHÆOLOGICAL, HISTORICAL OR ARTISTIC INTEREST.

(AS AMENDED BY THE SELECT COMMITTEE.)

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Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; His Highness the Maharaja is pleased to enact as follows :—

Short title and extent.

1. (1) This Regulation may be called the Ancient Monuments Preservation Regulation.

(2) It extends to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave,

rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof, and includes,—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument;

(2) "antiquities" include any moveable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion;

(3) "Commissioner" includes any officer authorized by the Government to perform the duties of a Commissioner under this Regulation;

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto;

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not; and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee.

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (1) The Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Government within [one month] *two months* from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of [one month] *two months* the Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation.

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Deputy Commissioner, with the sanction of the Government, may purchase or take a lease of any protected monument.

(2) The Deputy Commissioner, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement.

5. (1) The Deputy Commissioner may, with the previous sanction of the Government, propose to the owner to enter into an agreement with the Government of Mysore for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement :—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market-value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietory or other rights which are to vest in [His Highness the Maharaja] *the Government* in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Deputy Commissioner on behalf of the Government of Mysore, but shall not be so executed until it has been approved by the Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) With the previous sanction of the Government, the Deputy Commissioner may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Deputy Commissioner.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in sion.

6. (1) If the owner is unable, by reason of infancy or other disability to act for himself, the person legally competent to act on his behalf may exercise powers conferred upon an owner by Section 5.

(2) In the case of village property, the head man or other village officer exercising powers of management over such property may exercise the powers conferred upon an owner by section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

Enforcement of agreement.

7. (1) If the Deputy Commissioner apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under section 5, the Deputy Commissioner may make an order prohibiting any such contravention of the agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Deputy Commissioner necessary to such preservation or maintenance or neglects to do any such act within such reasonable time as may be fixed by the Deputy Commissioner, the Deputy Commissioner may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner, who, may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person who purchases, at a sale for arrears of land revenue or any other public demand, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under section 4 or section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9. (1) If any owner or other person competent to enter into an agreement, under section 5, for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Deputy Commissioner, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Deputy Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory purchase of ancient monument.

10. (1) If the Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Regulation.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under section 5 has failed, within such reasonable period as the Deputy Commissioner may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments.

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in section 4 or which the Government has acquired under section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him:

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (1) A place of worship or shrine maintained by the Government under this Regulation shall not be used for any purpose inconsistent with its character.

(2) Where the Deputy Commissioner has, under section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Deputy Commissioner shall make due provision for the protection of such monument or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

Government rights in a monument.

14. With the sanction of the Government, the Commissioner may—

(*a*) where rights have been acquired by Government in respect of any monument under this Regulation by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this Regulation.

Right of access to certain protected monuments.

15. (1) Subject to such rules as may after previous publication be made by the Government, the public shall have a right of access to any monument maintained by the Government under this Regulation.

(2) In making any rule under sub-section (1) the Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Regulation or in respect of which an agreement has been executed under section 5, and any owner or occupier who contravenes an order made under section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

Power to Government to control traffic in antiquities.

17. (1) If the Government of Mysore apprehend that any antiquities are being sold or removed to the detriment of Mysore or of any neighbouring [country] *province or state*, it may by notification in the Official Gazette, prohibit or restrict the bringing or taking of any antiquities or class of antiquities described in the notification into or out of Mysore or any specified part of Mysore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Mysore or any part of Mysore in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Police of a grade not lower than Sub Inspector, duly empowered by the Government in this behalf, may search any cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe, that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may address his complaint to the Government, and the Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Government to control moving of sculptures, carvings or like objects.

18. (1) If the Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Government may, by notification in the Official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Deputy Commissioner.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Deputy Commissioner may require.

(3) If the Deputy Commissioner refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be moveable, at its market value; or

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immoveable.

Purchase of sculptures, carvings or like objects by the Government.

19. (1) If the Government apprehends that any object mentioned in a notification issued under section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Government may pass orders for the compulsory purchase of such object at its market value, and the Deputy Commissioner shall thereupon give notice to the owner of the object to be purchased.

(2) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Government to control excavation.

20. (1) If the Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Government may, by notification in the Official Gazette, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply; and

(*b*) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the Government that he has sustained any loss by reason of such land being so included, the Government shall pay compensation in respect of such loss.

General.

Assessmen of market value or co pensation.

21. (1) The market value of any property which Government is empowered to purchase at such value under this Regulation or the amount of compensation to be paid by Government in respect of anything done under this Regulation, shall, where any dispute arises touching the amount of such market value or compensation, be ascertained in the manner provided by the Land Acquisition Regulation, 1894, sections 3, 8 to 34, 45 to 47. 51 and 52, so far as they can be made applicable.

Provided that when making an inquiry under the said Land Acquisition Regulation, 1894, the Deputy Commissioner shall be assisted by two assessors, one of whom shall be a competent person nominated by the Deputy Commissioner and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Power to make rules.

23. (1) The Government may make rules for carrying out any of the purposes of this Regulation.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under Regulation.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or [in good faith] intended to be done *in good faith*, in the exercise of any power conferred by this Regulation.

R. RANGA RAO,

Secretary, Legislative Council.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to——

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 7/10/21

Signed by M. Cleg

Section Desi

File No. 10-20

Serial No. 1

No. J 209-20 dt 7-1-21
Mutt Cachi

To

1) The Director of Archeology in Mysore.

2) The Superintendent of Govt.

Sir,

I am directed to forward herewith a copy of the Ancient Monuments Preservation Bill together with the Statement of Objects & Reasons, prior to the introduction

over.

26589 28-11-921

No. 141/280.

Encls: one book.

Office of the Director of
ARCHAEOLOGICAL RESEARCHES IN MYSORE,
BANGALORE, 28th November 1921.

2109

From

Praktana vimarsa vichakshana
Rao Bahadur R.NARASIMHACHAR, Esq., M.A.,
Director of Archaeological Researches in Mysore.

Legis
10-20
2

To

S.Hiriannaiya, Esq., M.A.,B.L.,
Secretary to the Government of
His Highness the Maharaja of Mysore,
General Departments, BANGALORE.

Sir,

With reference to your letter No.J.2319-20(1)/Legis.10-20-dated the 7th November 1921, requesting me to express my views with regard to the Ancient Monuments Preservation Bill proposed to be introduced in the State, I have the honor to state that the Regulation appears to be all right. Any additions or alterations found necessary after experience in working it for some time may be introduced in future.

It is, however, necessary to make one remark for the consideration of Government. An examination of the list of monuments will show that there are very few among them which are under private control. In these circumstances it is a question whether it is necessary to retain sections 5-9 which relate to the preservation of monuments by agreement. In case Government interference should become necessary as regards any monuments under private control, it would be simpler to acquire them outright. As a matter of fact, there are only two monuments each under the control of the Jagirdars of Sringeri and Yelandur. If a simple procedure can be adopted with regard to these and any others in place of a formal agreement, Sections 2-4, 10, 17-20 appear to be quite sufficient for our purpose.

On the other hand, if it is the intention of Government

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

Section Legs
File No. 10 - 20
Serial No. 3

General and Revenue Secretariat

( )

, *the* *191*

No. J. 3119/89-1-Leg

Date of issue 9/1/22

To

The Superintending Engineer

Signed by M^r Dss

I am directed to invite reference to this office letter no J 2319-20 - Legs 10-20-1 & 7-11-21 calling for your views in the matter of introducing the Ancient monuments preservation Act into Mysore & to highest

over.

31080 Legis. 10-20-4 74

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

MUZRAI SECRETARIAT.

3800 Rs one book

Dated Bangalore, 21-1-1922

No. 2799

Muy: 369-19-11

DIARY No. 2721

Legis. 10-20-4

From

T. E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Muzrai Department.

To

S. Hiriannaiya, Esq., M.A., B.L.,
Secretary to Government, General Department.

Sir,

I have the honour to state that the draft Regulation for the preservation of Ancient Monuments sent with your letter No.J.2319-20/Legis.10-20-1 dated 7th November 1921 seems to be all right and I am not able to see that it requires any alterations or additions. The interests of places of worship are sufficiently safeguarded for Section 13 is to the effect that no place of worship or shrine maintained by Government under the Regulation shall be applied for any purpose inconsistent with its character.

I have the honour to be,

Sir,

Your most obedient servant,

T. Jayarama Aiyar

Secretary to Government,

Muzrai Department.

GKV

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legs
File No. 10-20
Serial No. 5

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Date of issue.....16/7/25

Signed by.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. R 217 (1) dt 16-7-25

To the Compiler, Myg

Ordered that the accompanying Ancient Monuments Preservation Regulations, 1925 which received the assent of His Highness the Maharaja, on the Ninth day of June, 1925, be published as Regulation No. IX of 1925, in the *Mysore Gazette* for general information.

SLS

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette", English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part III of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs should be sent to this office for approval before publication.

as per standing orders

Copy to Messrs Tabor & Sons

THE ANCIENT MONUMENTS PRESERVATION REGULATION, 1925.

REGULATION, IX OF 1925.

THE ANCIENT MONUMENTS PRESERVATION REGULATION, 1925.

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REGULATION, IX OF 1925.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE NINTH DAY OF JULY 1925.)

A REGULATION TO PROVIDE FOR THE PRESERVATION OF ANCIENT MONUMENTS AND OF OBJECTS OF ARCHÆOLOGICAL, HISTORICAL OR ARTISTIC INTEREST.

Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic on antiquities and over-excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archæological, historical or artistic interest; His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (1) This Regulation may be called the Ancient Monuments Preservation Regulation, 1925.

(2) It extends to the whole of Mysore.

Definitions

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "ancient monument" means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archæological or artistic interest, or any remains thereof and includes,—

(*a*) the site of an ancient monument;

(*b*) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument; and

(*c*) the means of access to and convenient inspection of an ancient monument;

(2) "antiquities" include any movable objects which the Government, by reason of their historical or archæological associations, may think it necessary to protect against injury, removal or dispersion;

(3) "Commissioner" includes any officer authorized by the Goverment to perform the duties of a Commissioner under this Regulation;

(4) "maintain" and "maintenance" include the fencing covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto;

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not; and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and

any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee:

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

Protected monuments.

3. (1) The Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Government within two months from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of two months, the Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation.

Ancient Monuments.

Acquisition of rights in or guardianship of an ancient monument.

4. (1) The Deputy Commissioner, with the sanction of the Government, may purchase or take a lease of any protected monument.

(2) The Deputy Commissioner, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

Preservation of ancient monument by agreement.

5. (1) The Deputy Commissioner may, with the previous sanction of the Government, propose to the owner to enter into

an agreement with the Government of Mysore for the preservation of any protected monument in his district.

(2) an agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement:—

(*a*) the maintenance of the monument;

(*b*) the custody of the monument, and the duties of any person who may be employed to watch it;

(*c*) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument;

(*d*) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument;

(*e*) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market value;

(*f*) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument;

(*g*) the proprietory or other rights which are to vest in the Government in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(*h*) the appointment of an authority to decide any dispute arising out of the agreement; and

(*i*) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Deputy Commissioner on behalf of the Government of Mysore, but shall not be so executed until it has been approved by the Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) With the previous sanction of the Government, the Deputy Commissioner may terminate an agreement under this section on giving six months notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Deputy Commissioner.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(5) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

Owners under disability or not in possession.

6. (1) If the owner is unable, by reason of infancy or other disability to act for himself, the person legally competent to act on his behalf may exercise powers conferred upon an owner by Section 5.

(2) In the case of village property, the head man or other village officer exercising powers of management over such property may exercise the powers conferred upon an owner by Section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

Enforcement of agreement.

7. (1) If the Deputy Commissioner apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under Section 5, the Deputy Commissioner may make an order prohibiting any such contravention of the agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under Section 5 refuses to do any act which is in the opinion of the Deputy Commissioner necessary to such preservation or maintenance or neglects to do any such act within such reasonable time as may be fixed by the Deputy Commissioner, the Deputy Commissioner may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner who may cancel or modify it and whose decision shall be final.

Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.

8. Every person who purchases, at a sale for arrears of land revenue or any other public demand, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under Section 4 or Section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument shall be bound by such instrument.

Application of endowment to repair of an ancient monument.

9. (1) If any owner or other person competent to enter into an agreement under Section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Deputy Commissioner, and if

any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Deputy Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory purchase of ancient monument.

10. (1) If the Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Regulation.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of--

(*a*) any monument which or any part of which is periodically used for religious observances; or

(*b*) any monument which is the subject of a subsisting agreement executed under Section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under Section 5 has failed, within such reasonable period as the Deputy Commissioner may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance of certain protected monuments.

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in Section 4 or which the Government has acquired under Section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary contributions.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him.

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

Protection of place of worship from misuse, pollution or desecration.

13. (1) A place of worship or shrine maintained by the Government under this Regulation shall not be used for any purpose inconsistent with its character.

(2) Where the Deputy Commissioner has, under Section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Deputy Commissioner shall make due provision for the protection of such monument or such part thereof, from pollution or desecration—

(*a*) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(*b*) by taking such other action as he may think necessary in this behalf.

Government right in a monument.

14. With the sanction of the Government, the Commissioner may—

(*a*) where rights have been acquired by Government in respect of any monument under this Regulation by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(*b*) relinquish any guardianship of a monument which he has accepted under this Regulation.

Right of access to certain protected monuments.

15. (1) Subject to such rules as may after previous publication be made by the Government, the public shall have a right of access to any monument maintained by the Government under this Regulation.

(2) In making any rule under sub-section (1), the Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

Penalties.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Regulation or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under Section 7, sub-section (1), shall be punishable with fine which may extend to five thousand rupees or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

17. (1) If the Government of Mysore apprehend that antiquities are being sold or removed to the detriment of Mysore or of any neighbouring province or state, it may by notification in the Official Gazette, prohibit or restrict the bringing or taking of any antiquities or class of antiquities described in the notification into or out of Mysore or any specified part of Mysore. Power to Government to control traffic in antiquities.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Mysore or any part of Mysore in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Police of a garde not lower than Sub-Inspector, duly empowered by the Government in this behalf, may search any cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe, that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised, may address his complaint to Government, and the Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

18. (1) If the Government considers that any sculptures, carvings, images, bas-reliefs inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Government may, by notification in the Official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Deputy Commissioner. Power to Government to control moving of sculptures, carvings or like objects.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Deputy Commissioner may require.

(3) If the Deputy Commissioner refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Government that he has suffered any loss or damage by

reason of the inclusion of such property in a notification published under sub-section (1), the Government shall either—

(*a*) exempt such property from the said notification;

(*b*) purchase such property, if it be movable, at its market value;

(*c*) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

Purchase of sculptures, carvings or like objects by the Government.

19. (1) If the Government apprehends that any object mentioned in a notification issued under Section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Government may pass orders for the compulsory purchase of such object at its market value, and the Deputy Commissioner shall thereupon give notice to the owner of the object to be purchased.

(2) The power of compulsory purchase given by this section shall not extend to—

(*a*) any image or symbol actually used for the purpose of any religious observance; or

(*b*) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

Power to Government to control excavation.

20. (1) If the Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Government may, by notification in the Official Gaztte, make rules—

(*a*) fixing the boundaries of the area to which the rules are to apply; and

(*b*) prescribing the authority by which, and the tems on which, licenses to excavate may be granted.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the Government that he has sustained any loss by reasons of such land being so included, the Government shall pay compensation in respect of such loss.

General.

Assessment of market value or compensation.

21. (1) The market value of any property which Government is empowered to purchase at such value under this Regulation or the amount of compensation to be paid by Government

in respect of anything done under this Regulation, shall, where any dispute arises touching the amount of such market value or compensation, be ascertained in the manner provided by the Land Acquisition Regulation, 1894, Sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable :

Provided that when making an inquiry under the said Land Acquisition Regulation, 1894, the Deputy Commissioner shall be assisted by two assessors, one of whom shall be a competent person nominated by the Deputy Commissioner and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Power to make rules.

23. (1) The Government may make rules for carrying out any of the purposes of this Regulation.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

Protection to public servants acting under Regulation.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or intended to be done in good faith in the exercise of any power conferred by this Regulation.

A. R. BANERJI,
Dewan.